

**FILED**

SEP 10 2007

**PROPOSED ORDER/COVER SHEET**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**TO:** Honorable Wayne D. Brazil  
U.S. Magistrate Judge**RE:** Ali Khan**FROM:** Claudette M. Silvera, Chief  
U.S. Pretrial Services Officer**DOCKET NO.:** CR03-40210 SBA**THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:**Anthony Granados  
U.S. Pretrial Services Officer(408) 535-5223  
**TELEPHONE NUMBER****RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)**

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

☐ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.

☐ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_.

☐ Inform all parties concerned that a Bail Review Hearing will be conducted by:  
Magistrate Judge \_\_\_\_\_ Presiding District Court Judge \_\_\_\_\_

☒ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:

Modification(s)

yes A. The condition that the defendant seek and maintain verifiable employment is stayed

B.

Bail Revoked/Bench Warrant Issued.

I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).

Other Instructions:

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Wayne D. Brazil  
JUDICIAL OFFICER9-10-07  
DATE

Cover Sheet (12/03/02)

cc: WDB's Staffs Copy to parties via ECF,  
User, Financial, Pretrial

**To:** Honorable Wayne D. Brazil  
U.S. Magistrate Judge  
**From:** Anthony Granados  
U.S. Pretrial Services Officer  
**Subject:** Ali Khan  
CR03-40210 SBA  
**Date:** September 7, 2007



## MEMORANDUM

Your Honor,

Ali Hasan Khan is the second of two defendants charged in an Indictment with violations of Title 18, United States Code, Section 371 - Conspiracy; Title 26, United States Code, Section 7206(1) - Subscribing to a False Tax Return; Title 31, United States Code, Section 5324(a)(3) - Structuring; and Title 18, United States Code, Section 2 - Aiding and Abetting.

The defendant initially appeared on April 18, 2002, on case number CR02-40082. The aforementioned case was dismissed and the charges were re-filed under case number CR03-40210 on October 23, 2003. Mr. Khan initially appeared before Your Honor on October 28, 2003, on the "new" case and was ordered released on the same terms and conditions as the original case (CR02-40082).

The defendant was originally released on a \$100,000 personal recognizance bond along with the following special conditions:

1. Defendant shall not travel outside the Northern District of California;
2. Defendant shall surrender all of his passports to the Court by April 25, 2002, and shall not apply for any new passports or travel documents;
3. Defendant shall not possess any firearm, destructive device, or other dangerous weapon;
4. Defendant shall not use alcohol to excess, and shall not use or possess any narcotic or other controlled substance without legal prescription.
5. Defendant shall submit to a warrantless search of his person, residence, or auto at the direction of Pretrial Services;
6. Defendant shall reside at 5458 Mayland Avenue, San Jose, California, and shall not change his residence without the prior approval of Pretrial Services;
7. Defendant shall, to the extent lawful, maintain current employment, or if unemployed, shall seek and maintain verifiable employment; and
8. Defendant shall have no contact with any co-defendant out of the presence of defense counsel, except Yousef Chaundhry, with whom he may only discuss matters regarding the closing of the current business.

On October 20, 2006, the defendant's bond was modified to allow him to travel anywhere within the United States without prior Court authorization.

**MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL  
U.S. MAGISTRATE JUDGE  
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**CR03-40210**

**RE: KHAN, ALI H.**

**INFORMATION:**

Pretrial Services received a phone call from the defendant's significant other on September 4, 2007, advising that the defendant suffered a heart attack and was in the hospital. On September 5, 2007, the undersigned visited the defendant at the Cardiac Care Unit of Valley Medical Hospital located in San Jose. The defendant advised that he had already received angioplasty but was scheduled to have further surgery on Thursday or Friday (September 6<sup>th</sup> or 7<sup>th</sup>).

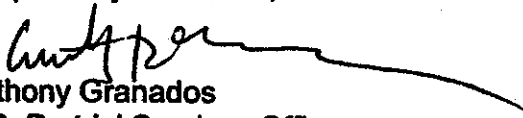
Due to the defendant's health issues, it appears very unlikely that he will be physically able to attend any court hearings in the near future. Pretrial Services also believes it will be difficult for the defendant to return to work anytime soon.

**RECOMMENDATION:**

In light of the above noted information, Pretrial Services respectfully recommends that the condition that the defendant seek and maintain employment be stayed. Assistant United States Attorney Kirstin Ault is not opposed to this recommendation.

Mr. Khan is represented by Mr. Seth P. Chazin. The defendant is scheduled to appear on September 11, 2007, for Pretrial Conference before the Honorable Sandra Brown Armstrong, United States District Court Judge. Pretrial Services has also notified Judge Armstrong of the defendant's medical status. This memorandum is submitted for Your Honor's information and guidance.

Respectfully submitted,

  
Anthony Granados  
U.S. Pretrial Services Officer

Reviewed by

  
Jaime Carranza, Officer In Charge  
U.S. Pretrial Services

cc: Kirstin M. Ault, Assistant  
United States Attorney

Seth P. Chazin  
Defense Counsel